

LABOR MANAGEMENT RELATIONS QUARTERLY MEETING
CENTRAL OFFICE
WASHINGTON, DC
APRIL 25-26, 2000

PARTICIPANTS:

MANAGEMENT:

Joe Chapin
Phillis Morgan
Keith Hall
Don Laliberte
Tamara Chrisler
Cristina Murphy
Bryan Witt
Aaron Marshall
Nikki Gallo

UNION:

Phil Glover
Jim Turner
Charlie Bohannon
Allen Green
Manny Borquez
Dennis Biesik
Larry Raney
Paul Rissler
Jeff Smith
Dan Ayers

Subject Matter Experts:

Dave Good
Jan Sorenson
Bob Newport
Stacy Korbela
Dave Sweda
Claudia Hill
Steve Floyd

Summary of Issues Addressed During LMR Meeting:

Affidavits Provided by OIA Investigators
Assignments of Staff at FCI Tallahassee
Correction Officer Health and Safety Act of 1998
Credit cards (government issued)
DC Sentenced Offenders
Domestic Violence
Financial Management Re-engineering
Home Duty
Information Request (“Sheridan Union Bombing” Report)
Jail Time Credit
Laundry Reimbursement
PC Self Service
Per Capita Formulas
Supplemental Uniform Allowance for Pregnant Staff

National Agenda Items: MANAGEMENT

1. **ISSUE:** PC Self-Service Expansion: Expanding the program nationwide by 12/31/00: There is money budgeted to send one PC and printer to each institution to be placed in a 24/7 staff accessible area. HR Managers will be trained on the use of the 11 self-service websites at this year's training meeting in May. They are to then go back to their institution and train staff. The Automation Section has developed step-by-step instructions in a booklet format which each staff member can follow when HR offices are closed. The Agency would like to eventually make this a mandatory program, but prefer to start out with optional use, and get back with the union 6 or 12 months later to see how it's going and what improvements need to be made before making it mandatory nationwide.

Stacy Korbela, Chief of the Automation Section, provided the union with instruction booklets and feedback from the field on the pilot. Generally, she indicated that results from the Nov/Dec 1999 pilot at 13 institutions had been favorable and that staff were appreciative of being able to use the PCs during off-hours. The union indicated that they believe staff are unhappy with the self-service computers and asked management to provide the union, in writing, with the specific plans for the automation system. Management agreed to provide this information and the discussion of the issue was postponed until further notice.

2. **ISSUE:** Discussion of Financial Management Re-engineering

This issue was discussed during a private meeting with the Director, in which both union and management representatives were present. Therefore, the union agreed that there was no need for further discussion during the LMR meeting and they would disseminate the information to their counterparts.

National Agenda Items: UNION

1. **ISSUE:** “[We] negotiated over the amount of money staff would receive for laundry while on government travel. Since January 12, 2000 this hasn’t been put out to the field. We want those who have traveled since January 12 to receive appropriate compensation.”

Resolution: *Management indicated that the draft policy which included the negotiated language had been mailed to the union for review before the meetings started. Both parties agreed that it would be preferable to get the policy approved and out to the field. Management provided the union with a copy of the draft policy that had been mailed and the union approved it as is in writing. Management, in turn, notified the National Policy Review office that the policy was cleared for immediate issuance.*

2. **ISSUE:** “Computation of per capita formulas: it seems that there is a disparity between Central/Regional Offices’ understanding of the formulas. The locals in the Mid-Atlantic region want an explanation of the formula and the guidance Central Office is putting out.”

Resolution: *Management provided the union with a copy of the per capita formula. The union indicated that they are concerned that the institutions are not calculating the formula correctly and the agency should be auditing each institution. The union believes that some institutions are going beyond what is required in the per capita numbers so they can “look good”. The union stated that the Director is telling Wardens not to compromise safety and yet they see Wardens still cutting down on expenses. Management responded that it is at the Warden’s discretion to determine what is safe and secure for the institution. The union expressed a particular concern about cutting costs at USPs. They indicated that the agency is putting lives in danger and that they would take this issue to the media if a staff member’s life is lost because of per capita cuts. Management assured the union that at the end of the year, checks are done to ensure that the institutions are following the formula. The union requested the actual and target numbers for FY99 which management provided by the end of the discussion.*

3. **ISSUE:** “The agency was going to follow up on the use of government credit cards for locals’ use while on official time. Please update us on your response.”

Resolution: *Management stated that the travel policy (PS 2200.01) explains that if an employee takes two or more trips within a year for official Bureau business, that employee is entitled to have a credit card. Management agreed to send out a message to all Comptrollers and Controllers to clarify what constitutes “official travel”. Management also emphasized that it is*

inappropriate for someone with a government credit card to charge an expense for someone else. The union expressed a concern that the employee may receive the government card through the mail at home but won't know for what official purposes the card may be used. Management responded that the Statement of Work between the Bureau and the credit card company comes with the card and explains exactly what the card may and may not be used.

4. **ISSUE:** “Domestic Violence- we were told at the last meeting that the Executive Staff would be making a decision in March. Please inform us of the results.”

Resolution: *Management explained that based on discussions at the last Executive Staff Meeting, the following was proposed: Every employee in the BOP will be receiving a letter regarding the requirement of qualifying with firearms. If the employee can shoot, he or she will be grandfathered; however, this does not include employees with temporary disabilities, e.g., a broken arm. For those employees who cannot qualify for whatever reason, they will have 12 months to correct the problem and qualify. If after 12 months they still don't qualify, they will be removed from employment with BOP. Management went on to state that the agency is attempting to retain as many employees as possible and this appears to be the most effective way to do so. The union asked about situations involving workman's compensation (OWCP). Management responded that if someone comes back to work after being on OWCP, he or she will then have 12 months from that date to qualify. Management went on to explain that the exact language needs to be crafted and the union, in turn, requested to be part of that process. The union asked what happens now to the 22 or so employees who answered affirmatively to the domestic violence misdemeanor conviction. Management responded that Wardens have been advised to extend the timeframe indefinitely until the agency knows precisely what will happen with this proposed plan. The union agreed that the plan appeared to be a fair one.*

5. **ISSUE:** “During the last LMR meeting, the issue of OIA agents holding affidavits was discussed. After further review, the agency's explanation was not correct. The OIA agent did not lease affidavits with the SIA or the Warden at the facility. We want to discuss this issue and have the agency agree with a common policy on giving employees their own affidavit.”

Resolution: *A management representative from OIA informed the union that it would be the exception, not the rule, that an employee is not given a copy of his or her affidavit before the conclusion of an investigation. However, when that does occur, it is done for the protection of the employee and to preserve the integrity of the investigation. Management also emphasized that neither the Warden nor the SIS was provided a copy of the affidavit in the specific case to which the union was referring. This was done so no one person would become subject to suspicion if information were to get released. The union asked for a legal cite which gives the agency the right to withhold an affidavit. Management responded that the Federal Labor Relations Authority has ruled that on a case-by-case basis, an agency can withhold certain information if the agency feels the information might compromise the case. The union asked for a copy of that decision and management agreed to provide a copy.*

The union stated their main concern is they want a copy of their affidavit immediately so there is no chance of it getting “altered or manipulated”. Management stated that they will always give an employee a copy of his or her affidavit; the only consideration is whether they provide it before or after the investigation is completed. The union believes there is no reason for an employee not to get a copy immediately since an employee can impede an investigation by word or mouth; he or she doesn’t necessarily need a copy of the affidavit to do that. After further discussion, the union indicated that they will research the issue further with AFGE and get back to management.

6. **ISSUE:** “Management at FCI Tallahassee has decided to assign staff on the basis of their race and gender. This is not appropriate and will be handled through either EEO or OSC if it is not discontinued.”

Resolution: *Management informed the union that this issued had been taken care of through the Regional Office. The union asked for something in writing to indicate that this was the case and went on to state that this practice is occurring at other institutions. When management asked the union where this was happening (other than Tallahassee), they could not pinpoint any specific institution. Management responded that they could not do anything about other institutions if they were not told where it was happening. After much discussion about the issue of assigning staff based on race and gender, management agreed to refer the Tallahassee situation to OIA so a proper determination could be made into the union’s*

allegation of misconduct.

7. **ISSUE:** “ISM confusion concerning files/folders on jail time credit. Program Review wants it one way and there is disparity between Regional/Central Office. The policy is not clear; it is left to the individual interpretation.”

Resolution: *The union brought up a specific example of a deficiency which was given at an institution for the organization of folders. Management explained that the deficiency was given for not documenting conversations which supported the issuance of jail credit; it was not given for the organization of folders. Management apologized for the confusion which ensued at the local level, as well as the verbal exchanges between management and Program Review employees in front of line staff at the institution. Both management and the union agreed there is a problem with the current policy and management agreed to change the policy accordingly. Once this is done, it will go to the union for review and approval per the usual procedures.*

8. **ISSUE:** “What is the agency’s decision on supplemental uniform allowance for pregnant staff? It was discussed at the last meeting and it appeared it was something we could do for staff. Please update us on this.”

Resolution: *Management indicated that 5 USC Section 5901 specifically allows for an initial uniform allowance up to \$400 which is what the agency currently gives staff. Management went on to state they had not heard of any problems in the field in regard to this issue and that when the issue did come up, it was handled locally. The union asked whether it would be possible for pregnant staff to wear their own “street clothes” during the pregnancy. Management responded that they would look into this option and get back to the union at a later date.*

9. **ISSUE:** “ Home duty: this item, since the last LMR meeting, is being reviewed by the AFGE National Office. It is being placed on this agenda for further discussion if necessary.”

Resolution: *The union indicated that they had nothing to discuss in relation to this issue. They simply wanted to put it on the agenda for the sake of visibility and AFGE is still reviewing the issue.*

10. **ISSUE:** “[We] would like an update on any management decisions regarding DC sentenced offenders. What institutions may be used to handle offenders not able to be placed in private facilities? (It should be understood we are opposed to private facilities). We have some institution already having problems keeping up with DC sentenced offenders due to parole hearings as opposed to keeping up with their regular case loads. What steps are being taken to cut work?”

Resolution: *Management informed the union that approximately 6,000 DC offenders will be placed in a BOP facility within a 500-mile radius of their release residence. This means that most will be placed withing the Mid-Atlantic and Northeast regions. There are also approximately 8 additional institutions which the agency will reclassify as paroleable to help in the handling of these inmates. If there are safety concerns or separatee issues, the inmate will be placed outside that 500-mile radius. The union asked about disciplining these DC inmates, e.g., will they get special treatment? Management responded that these inmates are considered BOP inmates and will not be treated any differently from any other BOP inmate. The Union stated that the Director has indicated there is a plan to “staff up” the institutions in order to handle the increased work load and number of inmates but the union has not seen anything happening. They have not seen and increase in vacancy announcements, yet this increase is supposed to start October 2000. Mr. Hall agreed to check with the Regional Director (Margaret Hambrick) on this issue to find out what was happening. The union was satisfied with this.*

11. **ISSUE:** “I would like to formally request a copy of the ‘Sheridan Union Bombing’ report that was put together by OIA.

Resolution: *Management asked the union to submit a formal information request for this report and the agency would review it. The union agreed to do so.*

12. **ISSUE:** “Do you know if there will be any policy coming out on the increasing number of inmates at Bureau facilities? I am hearing there are plans to increase the number of correctional officers at these locations but no mention of an increase in Unit Management staff, Food Services staff, etc. There are also rumors of triple bunking and I would like to address these concerns.”

Resolution: *Management informed the union that there is no policy coming out because there has been no policy change. The Bureau routinely looks at the total capacity projections, not at specific institution projections. As a result of the projections, the agency attempts to make short-term adjustment. The agency has no control over the number of inmates it receives; the agency simply handles the increase in the following ways: 1) Expansion (build new facilities or expand existing ones); 2) Contract out; and/or 3) Increase capacity temporarily until a long-term fix can be determined.*

Regarding the triple bunking issue, management stated that the Bureau has triple bunking for some time now in many of the low security facilities. The long-term plan is to eliminate this triple bunking, however, the influx of 6,000 DC inmates is currently causing the overcrowding. The union responded that in the Northeast region, the staff were under the impression that each institution would be receiving 360-400 inmates and yet there is no more room for triple bunking. Management responded that John Johnson was the union representative who participated in the workgroup which planned for the moving of DC inmates. Mr. Johnson was provided with the numbers and informed that the numbers were representative of the worst case scenario and probably would not occur. Management suggested checking with Mr. Johnson for all the information which the workgroup had been provided. In regard to the staffing issue, Regional Directors will be providing Bruce Sasser, Assistant Director, Administration Division, with their regional projections for required funds and staff. Once these projections are received, management will be more prepared to plan for additional resources. This was a discussion item only.

13. **ISSUE:** “Correction Officers Health and Safety Act of 1998: the issue of testing inmates whose bodily fluids come into contact with staff arose at the Mid-Atlantic Caucus. At several locations throughout the Bureau, staff are being told that the BOP hasn’t enacted this law or written policy to implement it. The Bureau needs to immediately comply with this law.”

Resolution: *Management representatives from the Health Services Division informed the union that the language regarding this act had to go into a new Program Statement, as well as the rules language as required by 28 CFR. The language was forwarded to DOJ in June 1999 and, although it has gone back and forth several times, it is back in DOJ’s hands as of January 2000. As soon as it comes back from DOJ, it should be ready for the Federal Register and then the new language will go into the Program Statement. The union asked what the new language was and management*

stated that it covers: 1) when an employee gets struck with a needle and requires medication, the institution will provide the medication immediately and the employee will not have to worry about insurance; and 2) in regard to the notification process, the employee will be informed immediately if the inmate involved is HIV positive; if the inmate's HIV status is not known the inmate will be tested without the need for a court order to do so. Management suggested that the union work closely with management in crafting the rules language and implementing that language into the new Program Statement before it goes to the Federal Register so there are no surprises later. The sooner the language gets approved, the sooner the policy can be issued. The union indicated that they would work with management on this.